

**Michigan Commission of Agriculture Meeting  
Michigan Department of Agriculture  
E.C. Heffron Laboratory  
940 Venture Lane  
Williamston, MI**

**MEETING MINUTES  
June 12, 2003**

**PRESENT**

Nora Viau, Chair, Commission of Agriculture  
Bill Pridgeon, Vice-Chair, Commission of Agriculture  
James Maitland, Secretary, Commission of Agriculture  
James Byrum, Commission of Agriculture  
Douglas Darling, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture

**OTHERS PRESENT** *(all or part of the meeting)*

Michigan Department of Agriculture Staff  
John Bakker, Michigan Asparagus Advisory Board  
E. J. Brown, Michigan Association of Fairs and Exhibitions  
Amy Frankmann, Michigan Nursery and Landscape Association  
Dr. Maynard Hogberg, GAAMP Task Force Chair  
Tonia Koppenaal, Michigan Farm Bureau  
Ben Kudwa, Michigan Potato Association  
Mark Mueller, Michigan Agri Business Association  
Ron Nelson, Michigan Farm Bureau  
Tom Smith, Michigan Turfgrass Foundation  
Gerry Wheeler, United States Department of Agriculture

**CALL TO ORDER AND ROLL CALL**

Chair Viau called the meeting of the Commission of Agriculture to order at 9:30 a.m. on Thursday, June 12, 2003. Secretary Maitland called the roll with Director Wyant, Commissioners Byrum, Darling, Maitland, Pridgeon and Viau present.

**APPROVAL OF AGENDA**

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**MOTION: COMMISSONER DARLING MOVED TO APPROVE THE JUNE 12, 2003 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

Director Wyant introduced Mike Pinagel, Director of Motor Fuels Quality and Weights and Measures Programs. Mr. Pinagel welcomed the Commission to the E.C. Heffron Metrology Laboratory and gave a brief overview of the lab functions. He invited the Commissioners to tour the Laboratory at the conclusion of the meeting.

#### **APPROVAL OF APRIL 23, 2003 MEETING MINUTES**

Commissioner Maitland asked to amend the April 23, 2003 minutes as follows:

Page three, first paragraph, second sentence of the Director's Report should read: Ms. White has served as the Assistant Deputy Administrator for Farm Programs in USDA's Farm Service Agency (FSA), Washington, D.C. Previously, she had been State Executive Director of the Michigan USDA FSA Office and prior to that a District Director for FSA. White most recently has been the Administrative Officer for the USDA's Veterinary Services Division under the Animal and Plant Health Inspection Service.

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE APRIL 23, 2003 MEETING MINUTES AS CORRECTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

#### **NEXT MEETING**

The next meeting of the Commission of Agriculture is scheduled for July 22, 2003 in East Lansing.

#### **APPROVAL OF DIRECTOR'S OUT OF STATE TRAVEL**

**MOTION: COMMISSIONER BYRUM MOVED TO APPROVE TRAVEL EXPENSE FOR DIRECTOR WYANT FOR JULY 13-15, 2003, MID-WEST ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE, FARGO, NORTH DAKOTA. SECONDED. MOTION CARRIED.**

#### **COMMISSIONERS' COMMENTS**

**Commissioner Maitland** represented the Department at a check presentation in Leelanau County for purchase of development rights to a 106-acre cherry farm. The purchase was jointly funded by the Michigan Agricultural Preservation Fund along with a 50% match from the USDA Farmland Protection Program.

Commissioner Maitland also took part in a Hazardous Household Waste Collection in Grand Traverse County. About 20,000 pounds of material was brought in for proper disposal.

He reported that crops in the northwest area are late due to cool weather, wine production will be low and the tart cherry crop may be affected.

**Commissioner Pridgeon** reported that most crops in southern Michigan are planted.

**Commissioner Byrum** reported that wheat crops should have a very good yield this year. Grain drying costs will be up due to the price of natural gas. There is a proposed privately-funded dairy buy-out that could have an extensive impact on the state.

Commissioner Byrum stated that he had talked with the Mexican consuler in Detroit and suggests that the Department establish a link with the Mexican consulate. Director Wyant agreed that this would be a good connection to make, and also to establish the same relationship with the Canadian consulate.

**Commissioner Darling** stated that since the first of May areas of Southeast Michigan have received 6-7 inches of rainfall. Planting is 95% complete, but soil conditions were rough when crops were planted.

**Chair Viau** reported that the Upper Peninsula has been dry, crops are in, but behind due to cold weather.

## **DIRECTOR'S REPORT**

Director Wyant gave a brief overview of the following items from the June Director's Report:

!The Food Marketing Institute and Fancy Food shows where held in Chicago with approximately 100 people from Michigan attending.

!Michigan Specialty Food Shows featuring "Take Home a Taste of Michigan"

!Apple, Blueberry, Cherry and Cranberry promotion in Mexico

!Select a Taste of Michigan initiatives, featuring asparagus the month of June

!Farmland Preservation program purchased development rights to a 106 acre cherry farm in Leelanau County

!Reported that 37 of 85 county fairs reported a net loss for 2002. Non-fair revenue represents about 45% of the revenue for fairs.

!Food Security Summit on June 19 will address agriculture food safety to initiate a process through which a broad strategy for agriculture and food safety can be developed for inclusion in Michigan's Homeland Security Strategy.

Three new dairy plants in eastern Michigan are located in Midland, Croswell and Turner.

Forty-five Walnut Street School fifth grade students participated in job shadowing at the Department in May.

The **agricultural enhancement package** has moved through the House and is in the Senate. This bill package creates a provision that would have impact on resources available to MDA and agriculture in general. A portion of the money generated from video lottery terminals would be appropriated to the Department as recommended by the Governor and the legislature.

Director Wyant met with MSU regarding **environmental concerns** with drain tile and run-off; how effective are the GAAMPS and technology in dealing with drain tile and the potential for direct discharge. It was decided to form a committee lead by Dr. Bill Bickert, representatives of Michigan Department of Environmental Quality, MDA, industry, and environmental groups to serve on the committee and suggest changes to the GAAMPS and/or technology on the issue.

Commodity executives have discussed the ramifications of the **Washington Apple** court decision. There have been on going challenges with the check off program. Federal programs (beef and pork) have been challenged and now a state program (Washington apples). Director Wyant feels that Michigan's programs may be challenged in the future.

Commissioner Byrum stated that there are significant differences in the Washington and Michigan programs in that Washington establishes an assessment by statute, there is no vote of the growers, no renewal referendum, no government oversight, and no appointments by the governor. These are significant differences from Michigan's program. Michigan pursues uncollected assessments. Michigan has never lost a renewal referendum on any check off program. The Michigan Apple Industry is currently preparing to hire an executive director.

Director Wyant announced that **Dr. Maynard Hogberg** is leaving MSU in August to Chair the Animal Science Department at Iowa State University.

Environmental Stewardship staff Gordon Wenk and Jim Johnson, attended the **Region V U.S. Environmental Protection Agency** Director's meeting in Columbus, Ohio June 10. EPA is pursuing a pilot program on the air quality emitted from confined animal feeding operations in any situation where animals are in a covered building, or a lagoon that is covered, and the air can be captured and measured.

Director Wyant gave an overview of the House and Senate versions of MDA's **FY 2004 budget**.

Director Wyant provided to the Commissioners a list of activities that are taking place this summer that may be of interest to the Commissioners.

Director Wyant, at the suggestion of Commissioner Byrum, asked the Commissioners if they would consider having a **Public Comment** period placed on the agenda after Director's Comments, as well as at the end of the meeting at future meetings. This would allow the public the opportunity to address agenda items prior to Commission discussion/decisions.

The **Farmland Preservation Tour** will take place in Maryland, New Jersey and Pennsylvania in mid-June. The Governor and the Lt. Governor plan to attend portions of the tour.

The Governor's **Land Use Task Force** held a weekend retreat recently. A number of draft recommendations have been put forth. Future meetings are scheduled for July and August. The recommendations are centering on ag security zones; purchase of development rights; use value assessment; value added agriculture opportunities and expansion of those opportunities.

Director Wyant distributed a list of the **Chronic Wasting Disease Task Force** members.

#### **RECESS**

The meeting recessed at 10:55 a.m.

#### **RECONVENE**

The meeting reconvened at 11:10 a.m.

#### **BOVINE SPONGIFORM ENCEPHALOPATHY (BSE) AND TUBERCULOSIS (TB)**

##### **UPDATE: Dr. Joan Arnoldi, State Veterinarian**

Dr. Arnoldi reported that an Antrim County beef cow has been identified as TB positive. The cow came from Presque Isle County, movement of the animal was legal as the herd had gone through two annual whole-herd test before the producer received a permit to move. Both herds have been quarantined and animal movement in and out of the herds will be traced. The cow was purchased in October 2002 at the Gaylord auction and moved to Antrim County. The cow was detected during a routine test by owner. The whole herd of origin was then tested with seven suspects on caudal fold test, lab results are not yet available.

USDA has extended the comment period for Michigan's application for Split State Status for an additional 30 days.

Since the May confirmation of Bovine Spongiform Encephalopathy (BSE) in Canada it has been

determined that five bulls from the trace herd were imported into Montana and were slaughtered in 2002. USDA is maintaining the ban on the import of Canadian animals.

A giant Gambian rat imported from Africa was housed with a prairie dog. Prairie dogs have become infected with Monkey Pox, which is transferable to humans. Pocket pets are a big market and come into the county without much control. Michigan has banned importation of prairie dogs and Gambian rats into Michigan. The Food and Drug Administration has issued an intrastate/interstate ban on movement and sale of prairie dogs and Gambian rats. It will be a joint effort of Michigan Department of Community Health, Michigan Department of Natural Resources and MDA to deal with the issue. The disease is highly contagious.

**SELECT A TASTE OF MICHIGAN UPDATE: Robert Craig, Director, Ag Development Division; Christine Lietzau, Organic and Sustainable Ag Coordinator; John Bakker, Executive Director, Michigan Asparagus Advisory Board**

The Select a Taste of Michigan campaign is seeking a 20% increase in sales of selected products. The Commissioners viewed banners used in retail stores, had the opportunity to hear radio advertising segments, and were given a summary of the promotions held in the Grand Rapids area.

John Bakker reported that the asparagus industry is excited about the campaign. The Michigan asparagus season begins in May, this is the month that other states are ending their asparagus season and traditionally is not a good month for Michigan asparagus due to low market prices at that time. This May 'Tender Tips' asparagus sold in Michigan supermarkets at a brisk rate and at a good price. Mr. Bakker predicts that the 20% increase in sales will be easily surpassed by season end.

**RALSTONIA UPDATE:- Kenneth Rauscher, Director, Pesticide and Plant Pest Management Division; Gerald Wheeler, USDA, Animal and Plant Health Inspection Service**

Ken Rauscher introduced Gerry Wheeler, Officer in Charge, Grand Rapids office. In February, Michigan greenhouses received geranium plants from a facility in Kenya that were infected with *Ralstonia solanacearum* resulting in restriction from sale. Fourteen locations were found to have plants infected with *R. solanacearum*. MDA and USDA oversaw the destruction of infected plant material and disinfecting of greenhouses where positive samples were found. Mr. Wheeler did a power point presentation on the disease and the process of destruction and disinfecting.

**REGULATION 642, FARM FERTILIZER BULK STORAGE: Kenneth Rauscher, Director, Pesticide and Plant Pest Management Division**

Kenneth Rauscher presented the Commission with a Certificate of Adoption for Regulation 642. The final language for this regulation was approved at the April 23, 2003 Commission

meeting. The regulation will be submitted to the Joint Committee on Administrative Rules and then to the Secretary of State, Office of the Great Seal for filing.

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE CERTIFICATE OF ADOPTION FOR THE FARM FERTILIZER BULK STORAGE REGULATION AND AUTHORIZE THE CHAIR TO SIGN THE CERTIFICATE. SECONDED. MOTION CARRIED.**

NOTE: Commissioner James Byrum refrained from voting due to his part in drafting the regulation language

### **RECESS**

Meeting recessed at 12:25 p.m.

### **RECONVENED**

Meeting reconvened at 2:05 p.m.

### **REPORT ON CONGRESSIONAL VISITS: Christine White, Director of Ag Policy**

Chris White reported on her trip to Washington, D.C. and visits with Congressional members regarding TB and Emerald Ash Borer (EAB). There is good support for the EAB program, with funding requests for FY '04 already underway by Congresswoman Kilpatrick and Senator Stabenow. Senator Stabenow has also requested \$7,000,000 for FY'04 for TB funding for Michigan. The state received \$5,000,000 in FY'03.

Congressman Camp is working on trade issues and requesting US trade representatives to give ag issues a higher priority and introducing legislation to that effect.

### **LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison**

Mr. Deacon reported that the Department's budget passed the House and will now go to Conference Committee. The Senate passed five fee bills affecting the Department's budget. Water withdrawal bills continue to move through the legislature. Ethanol labeling bills, one passed the House and is out of Senate Committee; and the companion bill is also moving through. Grain Insurance Fund has been reported from House Committee and MDA is working with the Attorney General and Governor's office to fine tune the language before it moves off the House floor. The PA 116 amendment bill has passed both houses and has been presented to the Governor. The Grain Dealer's Act bill has also been presented to the Governor. Resolutions on labeling of milk protein concentrate have been introduced, and passed both houses. Resolutions regarding split state status have also passed.

**REGULATION 812, STATE PURSE SUPPLEMENT FOR HARNESS HORSE RACING AND PARI MUTUEL TRACKS AT FAIRS: Brad Deacon, Legislative Liaison**

Mr. Deacon requested initial approval to revise Regulation 812 to make it consistent with the other horse racing regulations and to address embryo transfer.

**MOTION: COMMISSIONER DOUG DARLING MOVED TO APPROVE THE REQUEST TO PROCEED WITH REVISIONS TO REGULATION 812, STATE PURSE SUPPLEMENT FOR HARNESS HORSE RACING AND PARI MUTUEL TRACKS AT FAIRS. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**LOCAL ORDINANCES AND LAWN CARE: Tom Smith, Executive Director, Michigan Turf Grass Foundation; Amy Frankmann, Executive Director, Michigan Nursery and Landscape Association and Mark Mueller, Michigan Agri-Business Association**

Tom Smith reported that several municipalities in Michigan have passed local ordinances regulating the use of fertilizer, as applied to lawns by commercial applicators. In some cases these ordinances also regulate fertilizer application on other turf areas and by other users, including homeowners. The Foundation believes that such a piece-meal approach to regulations is not good public policy, especially as those ordinances are not the same area to area, require different licensing, fees, use and application standards. Mr. Smith requests that MDA establish a workgroup to help standardize such regulations.

Amy Frankmann stated she was speaking on behalf of the landscape contractor and the landscape management firms in Michigan, of which there are approximately 5,500. This industry currently faces inconsistent regulations between municipalities. On their behalf Ms. Frankmann requests that the MDA standardize these regulations and pursue legislation that would move phosphorous regulation to the state level.

Mark Mueller expressed concern over communities passing ordinances regarding the use and application of phosphorus and phosphorous containing fertilizers. While, to date, the ordinances have not addressed agricultural uses, it would be cumbersome and unreasonable to expect the agricultural industry to comply with local ordinances as they move from field to field.

The Commission will support the Department entering into discussion with stakeholders to formulate language to address this problem. Proposed language will be presented to the Commission at a future meeting.

**RIGHT TO FARM CASE REVIEW: Wayne Whitman, Program Manager, Environmental**

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## **Stewardship Division**

Mr. Whitman reviewed the Tim Gordon Right to Farm case. In January 2002, MDA notified Mr. Gordon of a complaint filed against his equine and poultry facility. Mr. Gordon was notified that a Manure Management System Plan (MMSP) was needed. Mr. Gordon submitted an MMSP in March 2002; however follow up inspections in August, September and November of 2002 revealed that while progress had been made, implementation of all the necessary provisions of the MMSP were not complete. In May 2003, another inspection was conducted and at this time large amounts of manure were observed and Mr. Gordon was advised that his case would be considered for referral to the Michigan Department of Environmental Quality for enforcement action. To date MDA has not seen significant effort on Mr. Gordon's part to conform to acceptable manure management practices. At this time, Mr. Whitman is recommending that the Gordon case be forwarded to the Michigan Department of Environmental Quality for enforcement action.

**MOTION: COMMISSIONER MAITLAND MOVED THAT THE COMMISSION REFER THE GORDON RIGHT TO FARM CASE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY FOR ENFORCEMENT ACTION. SECONDED. MOTION CARRIED UNANIMOUSLY.**

## **IRRIGATION WATER USE GAAMP UPDATE: Gordon Wenk, Acting-Director, Environmental Stewardship Division**

Public comment period is currently being taken with a hearing scheduled for June 18, at the Natural Resources Conservation Service, Coolidge Road, East Lansing. After the hearing and public comment, language will be modified, if necessary, and presented to the Commission at the July 22 meeting.

Commissioner Byrum asked why the Water Use GAAMP language was not consistent with the other GAAMP's. He felt that the more verbiage, the more room for interpretation. Commissioner Byrum was concerned that the GAAMP did not address the existing well operation and monitoring well costs. Gordon Wenk will share these concerns with the task force.

## **GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES: Gordon Wenk, Acting Director, Environmental Stewardship Division; Wayne Whitman, Program Manager and Dr. Maynard Hogberg, Task Force Chair**

The following GAAMPS were reviewed by Dr. Hogberg:  
!Manure Management and Utilization

Site Selection and Odor Control for New and Expanding Livestock Production Facilities  
Care of Farm Animals  
Pesticide Utilization and Pest Control  
Cranberry Production  
Nutrient Utilization

Wayne Whitman asked that the Commission approve the draft language for the six GAAMPS for release for public comment until June 30 and a public hearing to be held June 23, 1:00 p.m. at the Michigan Library and Historical Center.

Commissioner Byrum questioned the role that producers play in drafting of the GAAMPS. Dr. Hogberg stated that the GAAMPS are designed to be science-based and not biased. The producer community does have input during public comment and hearings.

**MOTION: MOTION BY COMMISSIONER MAITLAND TO APPROVE ALL SIX GENERALLY ACCEPTED AGRICULTURE AND MANAGEMENT PRACTICES DRAFT LANGUAGE TO BE RELEASED FOR PUBLIC COMMENT. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

**Ron Nelson, Michigan Farm Bureau** –Ron Nelson stated that he has several concerns regarding the fee bills: who pays; should the department that is enforcing the law be the one to receive the fee directly; if regulatory action creates fees, won't we have more regulatory action to get more monies. The administration does not want to raise taxes, but is raising fees instead. He feels the ag enhancement package may provide that revenue opportunity. The racing industry would get 60% of the net terminal income; agriculture would get a piece of the remaining 40%. Some feel there is a potential for new money for agriculture. MFB supports the ag enhancement package.

**ADJOURNMENT:**

**MOTION: COMMISSIONER BYRUM MOVED TO ADJOURN THE MEETING. SECONDED. MOTION CARRIED UNANIMOUSLY.**

The meeting was adjourned at 3:35 p.m.

At this time Mike Pinagel conducted a tour of the laboratory for Commissioners and staff.

**ATTACHMENTS**

*A - Agenda*

*B – April 23, 2003 minutes*

*C – Director's Report – June 2003*

*D – Monkey Pox*

*E – Ralstonia Update*

*F – Reg. 642, Certificate of Adoption*

*G – Legislative Report, June 2003*

*H – Reg. 812, Approval to Proceed*

*I – Local Ordinance and Lawn Care*

*J – Right to Farm, Timothy Gordon*

*K –Irrigation Water Use GAAMP*

*L –GAAMPS Annual Review*